

ILLINOIS POLLUTION CONTROL BOARD  
February 20, 2003

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 02-18
	)	(Enforcement - Water)
WILLIAMSBURG PLACE OF CRETE, INC.,	)	
an Illinois corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On August 9, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Williamsburg Place of Crete, Inc. (Williamsburg). See 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Williamsburg violated Sections 12(a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (f) (2002) as well as 35 Ill. Adm. Code 302.302, 304.105, 304.106, and 309.146(a). The People further allege that Williamsburg violated these provisions by allowing, *inter alia*, the discharge of soil sediment, refuse, and contaminants into waters of the State of Illinois. In addition, the People allege that Williamsburg failed to establish and maintain a storm water pollution prevention plan as required by its permit. The complaint concerns Williamsburg's subdivision development located in the Village of Crete, Will County.

On November 27, 2002, the People and Williamsburg filed a stipulation and proposed settlement, accompanied by an agreed request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2002). This filing is authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The Star Newspapers* on December 15, 2002. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of respondents' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act. 415 ILCS 5/33(c) (2002). The People and respondents have satisfied Section 103.302. Williamsburg neither admits nor denies that its acts or omissions constituted violations of the Act and Board regulations as alleged in the complaint, but agrees to pay a civil penalty of \$7,500. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

**ORDER**

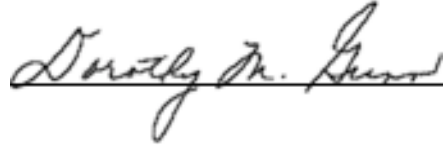
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Williamsburg Place of Crete, Inc. must pay a civil penalty of \$7,500 within 30 days of this order. The civil penalty must be paid by certified check or money order, payable to the Illinois Environmental Protection Agency designating it for deposit into the Environmental Protection Trust Fund. The case number, case name, and the respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. Each respondent must send the certified check or money order to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2002).
5. Interest on unpaid penalties will begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.
6. Respondent must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 20, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board